

1999 DRAFTING REQUEST

Bill

Received: 02/25/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Dean Kaufert (608) 2664719

By/Representing: Ed Eberle

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters: jkreye

Subject: Environment - env. cleanup
Tax - property

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Dry cleaner environmental provisions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 03/01/2000 jkreye 03/09/2000	chanaman 03/02/2000 jgeller 03/09/2000	martykr 03/03/2000	_____	lrb-docadmin 03/03/2000		S&L Tax
/2			martykr 03/09/2000	_____	lrb_docadmin 03/09/2000		S&L Tax
/3	traderc 03/10/2000	jgeller 03/10/2000	martykr 03/10/2000	_____	lrb-docadmin 03/10/2000	lrb_docadmin 03/16/2000	S&L T a x

FE Sent For (03/16/2000.)
G ("13")

<END>

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May Contact:

Alt. Drafters: jkreya

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Handwritten notes:
1/2 3/9 jlg km 3/9 Sent 3/9

FE Sent For:

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Drafter: **traderc**

May Contact: *Joe Phill; ps*

Alt. Drafters: **jkreye**

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DEAN R. KAUFERT

WISCONSIN STATE REPRESENTATIVE

To: Rebecca Tradewell, Managing Attorney

From: Ed Eberle
Rep. Dean Kaufert's office

Re: Additional Drafts to DERF Program

Dt: February 25, 2000

Attached you will find a one page memo sent to Dean Kaufert from Joe Phillips, Executive Director of Wisconsin Fabricare Institute (WFI) regarding possible dry cleaner legislation and a two page memo from Donald Gallo, Esq. to Joseph Phillips. I have also attached a co sponsorship memo and draft from Rep. Jeff Plale regarding property tax exemption for dry cleaning equipment.

Representative Kaufert would like the first three items (highlighted in blue) on the memo from Don Gallo, Esq. to Joe Phillips dated December 13, 1999 and LRB 1010/3 (Rep. Plale) drafted as one bill.

Please do not hesitate to contact me in the meantime at 266-57 19 with any questions. Thank you.

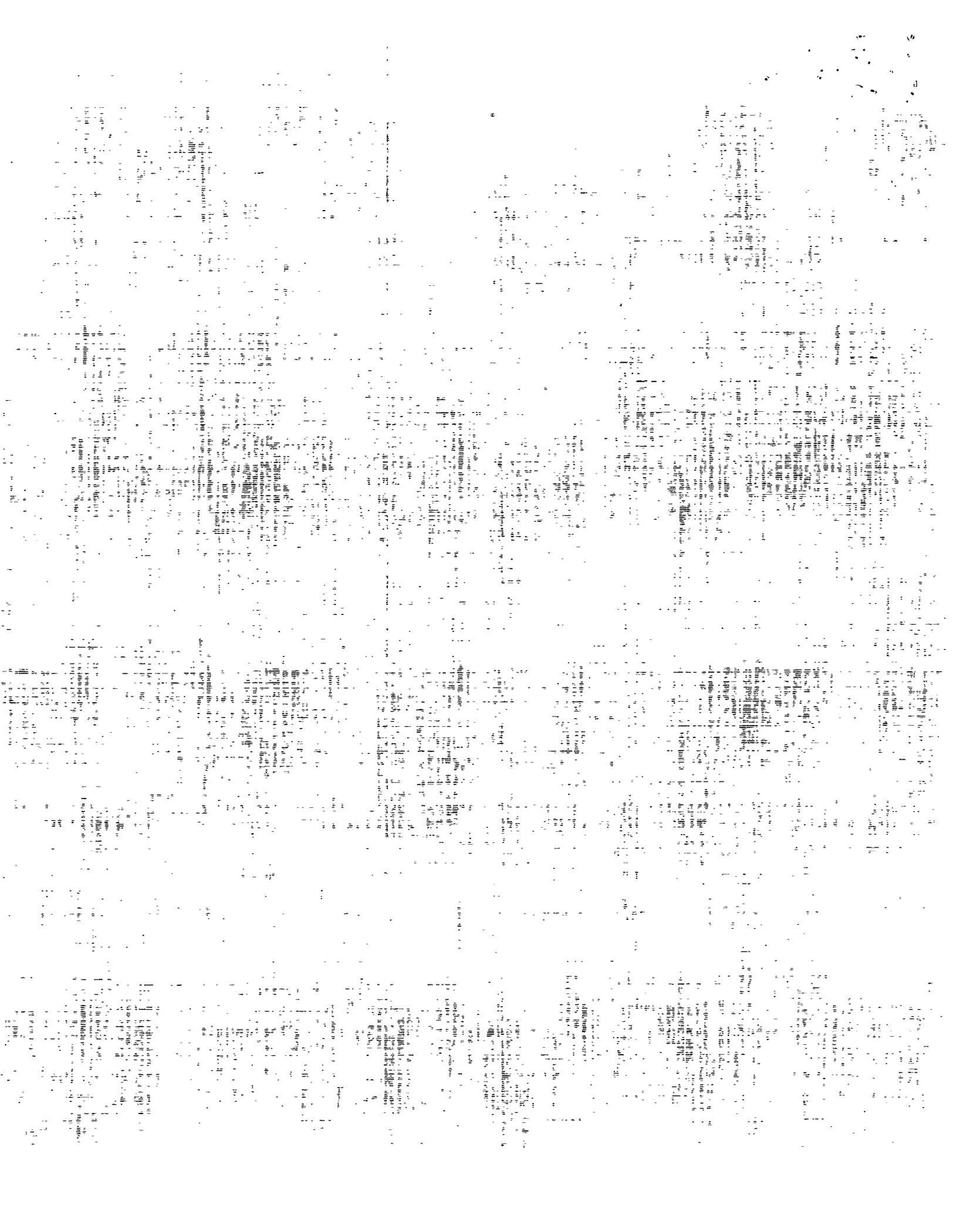
Cc: Kendra Bonderud, Legislative Fiscal Bureau
Representative Jeff Plale, 21st Assembly District

*Rep Plale's office has
waived confidentiality*

Member, Joint Committee on Finance

P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • Telephone: (608) 266-5719
Toll-Free Legislative Hotline: (800) 362-9472 • Rep.Kaufert@legis.state.wi.us

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9910 West Layton Avenue
GREENFIELD, WI 53228
Phone (414) 529-4707
FAX (414) 529-4722

Memorandum

To: State Rep. Dean Kaufert

Fr: Joe Phillips, Exec. Director
WFI

Re: Proposed Amendments to DERF Program

Jan. 10, 2000

I'm sorry for not touching base with you sooner. Foremost, I want to again thank you for the big assist in getting the statutory changes to the DERF law included in the State Budget bill. Working with the DNR **staff**, the rules have been set in place and an application packet has been mailed to all drycleaners allowing them finally to apply for re-imbursement of cleanup costs under the program.

As with most complicated programs, there is always some fine tuning required. In the case of the DERF program, there still remain some issues to be resolved. Attorney Don Gallo has prepared the attached summary which I am sharing with you in hopes that you might have drafted these provisions either into a single bill or as an amendment to the Budget Review bill if in fact, one is forthcoming.

Items 1,2 and 3 have support from the DNR. Item 4 is still being reviewed and obviously would cause some consternation within the Legislature itself. You may decide to set Item 4 aside to next session, however I will bow to your political expertise on that issue.

I would have mailed Mr. Gallo's memo to you sooner however, we wanted to run it by the DERF Advisory Council, the DNR and our **own Board of Directors first**. Now that we seemingly have **everyone on Board**, I am asking you to **take the lead and** have the items drafted in bill or amendment form. If you have questions, please call me. If you wish to meet, I'm sure that can also be arranged at your convenience. Again sincerest thanks for all that you've achieved on behalf of the drycleaning industry. You've been a true friend!

Warmest regards.

cc: Ron Kantor, Pres., WFI
Attorney Don Gallo

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MEMORANDUM

CLIENT MATTER: 96297-000 1

TO: Mr. Joseph Phillips
Executive Director
Wisconsin Fabricare Institute, Inc.

FROM: Donald P. Gallo, Esq.

DATE: December 13, 1999

SUBJECT: Additional Legislative Actions to DERP Program

During the Wisconsin Fabricare Institute Legislative Committee Meeting there were four items discussed regarding changes which still needed to be implemented to the DERP Legislative Program. Following is a discussion of these items.

1. Interim Actions. The Interim Action Program has not been implemented as originally contemplated. In several discussions with the Department of Natural Resources it is their conclusion that the Interim Program can be accomplished under the existing full remediation program statute Section 292.65 and, therefore, Section 292.66 is unnecessary. The Interim Program as a stand alone program and as currently written provides no incentive for drycleaners to use this program. The co-pay is 50% and the deductible and out-of-pocket costs do not go towards the deductible on the full remediation program as originally intended. Therefore, it is my recommendation that this program be deleted and the funds available be **allocated to the full remedial program.**

2. Sunliers and Vendors. Inclusion of suppliers and equipment vendors under the DERP Program retroactive from October 14, 1997. After several discussions with the Department of Natural Resources, it **was decided to strike a compromise wherein suppliers and equipment vendors of Drycleaning Facilities would be** protected under the DERP program for releases **which "occurred"** prior to October 14, 1997. It was decided that suppliers and equipment vendors can obtain insurance for releases that have occurred after October 14, 1997. This eliminates the need for significant litigation against these suppliers and equipment vendors and provides no-fault coverage to these suppliers and equipment vendors for such releases prior to October 14, 1997.

3. Dry Store Coverage. As a matter of public policy, we strongly feel that for those stores that are currently dry stores but were formerly wet stores should still be covered under the "active drycleaner" deductible, which will result in a deductible amount of somewhere between \$10,000 and \$30,000 versus \$130,000. It is good public policy to encourage wet store operators to convert their stores to a dry store location and, unless this change is made, wet stores will have to be maintained operating as **wet** to obtain the **lower deductible** amount. This creates additional risk when good public policy would encourage the conversion of wet stores to dry stores.

4. Fee Revenue. When the license fee was originally contemplated, the percentage fee was envisioned to be applied to all sales **from** a drycleaning facility. However, during drafting the decision was made to apply the fee to only drycleaning revenues from a drycleaning facility and not the gross revenues. For example, this would exclude tailoring, alterations, wet cleaning and other services provided by a drycleaning facility including shoe repair, necktie sales, etc. As a result of this, the actual revenue is approximately one-half of what was anticipated. To improve the revenue generation directed to the DERP Program, consideration should be given to not only the 1.8% fee on **drycleaning**, but also that all sales tax revenues from a drycleaning facility be directed by the Legislature to the DERP Program. This would approximately quadruple the revenue **from** approximately \$1 million dollars per year to \$4 million dollars per year to the DERP Program.

X:\XFCLIENTB\96297\0001\JXS2467

Eberle, Ed

From: Peloquinx, Traci
Sent: Wednesday, February 16, 2000 3:41 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship - property tax exemption for "green" dry cleaning equipment

DATE: February 16, 2000
TO: Legislative Colleagues
FROM: Representative Jeff Plale
RE: LRB 1010/3 - "green" dry cleaning equipment property tax exemption

Currently, most dry cleaning equipment uses perchloroethylene as the primary cleaning solvent. This substance, commonly called "**perc**", is a probably human carcinogen and must be managed as hazardous waste under state and federal laws.

There are several new dry cleaning technologies on the horizon that are safer for those in the dry cleaning industry and the environment. Two are commercially available: wet cleaning and a synthetic petroleum solvent process. Specialized wetcleaning is appropriate for at least 90% of the current fabrics and textiles that now require dry cleaning. The new petroleum solvent process also reduces the potential for fire hazards.

Other new processes are in various stages of development and testing, including: cleaning processes based on liquid carbon dioxide, glycol ethers, ultrasonic energy, and other new solvents.

Many dry cleaners are reluctant to switch to the new technologies due to the large investments they have already made in machinery and equipment. Additionally, the washers, dryers, and finishing equipment used in the new, environmentally sound cleaning processes are often more expensive than machines using "**perc**".

LRB 101 0/3 provides a property tax exemption for dry cleaning equipment, detergents, and chemicals that do not involve the use of materials classified as hazardous waste. This exemption will encourage dry cleaning businesses to switch to the newer, cleaner technologies, and protect their employees and the environment from the hazards of "**perc**" exposure.

If you would like to co-sponsor LRB 1010/3, please e-mail Traci in my office at Traci.Peloquinx@legis.state.wi.us by Monday, February 28.

02/16/2000

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1999 BILL

1 AN **ACT** to *create* 70.11 (27m) of the statutes; **relating to:** exempting dry
2 cleaning equipment and chemicals from the property tax.

Analysis by the Legislative Reference Bureau

This bill exempts dry cleaning equipment and chemicals from the property tax.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the state **and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 70.11 (27m) of the statutes is created to read:

4 70.11 (27m). DRY CLEANING EQUIPMENT AND CHEMICALS. (a) Equipment used by
5 a retailer or the retailer's employes for dry cleaning fabric, if the equipment is
6 depreciable property, for tax purposes, and doesnot use any dry cleaning solvent that
7 is managed as a hazardous waste in compliance with ch. 291 and 42 USC 6901 to
8 6991i.

1 (b) Chemicals or detergents used by a retailer or the retailer's employes for dry
2 cleaning fabric, if the chemicals or detergents are not managed as hazardous wastes
3 in compliance with ch. 291 and 42 USC 6901 to 6991i.

4 SECTION 2. **Effective date.**

5 (1) **DRY CLEANING EQUIPMENT.** This act takes effect on the January 1 after
6 publication.

7

(END)

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3/1/2008 Call from Joe Phillips of the Wisconsin Fabricare Institute, Inc.

A "dry store" is a place where people drop-off their clothes to have them dry cleaned but where there is no dry cleaning equipments. The clothes are sent elsewhere to be cleaned.

RT

Tradewell, Becky

From: Eberle, Ed
Sent: Tuesday, February 29, 2000 12:29 PM
To: Tradewell, Becky
cc: Plale, Jeff; Peloquin, Traci
Subject: FW: DERF Program stat language changes

Becky,

Is it possible to include these two items in addition to the four provisions you are working on with respect to Representatives Kaufert and Plale's Dry Cleaning legislation?

Ed

-----Original Message-----

From: Schmidt, Robin R
Sent: Tuesday, February 29, 2000 10:43 AM
To: Eberle, Ed
cc: Kluesner, Elizabeth M; Barbara Kneer; Cynthia Koepke; Daniel Boardman; David Kafura; Deborah Johnson; Edwina Kavanaugh; Gina Keenan; Kathryn Curtner; Keith Pierce; Kim McCutcheon; Kristin Nell; Leslie Gauberti; Mark Giesfeldt; Mark Putra; Norman Dunbar; Patrick McCutcheon; Robin Schmidt
Subject: DERF Program stat language changes

Ed - here is a summary of the two changes that we discussed earlier today.

/1. Including pollution prevention requirement into 292.65

Currently there is a provision in s. 292.66 that requires an applicant to have perchloroethylene delivery through a closed loop, direct-coupled delivery system. With the deletion of that statute that provision will be taken out. This provision is also contained in 292.65(5)(b)5 for facilities that are new (constructed after 1 O/1 4/97) or ones with second releases, but the provision currently does not apply to other facilities. ~~There should be an addition to the statute (probably under (5) for existing operating facilities that requires them to document that delivery of perc is through a closed loop direct-coupled system at the time that they submit their application for reimbursement.~~

2. Compliance with s. 77.9961, 77.9962 and 77.9963

Currently there is a provision that states that applications shall be denied if the fees associated with the above statutes are not paid at the time that the applicant submits their application - but there is no incentive for a drycleaner to pay these fees if they don't think they will ever have a release. If they discover a release and go back and pay their arrears with the Department of Revenue, they are eligible for the program. ~~There should be a provision that would provide more incentives for them to pay their fees - one recommendation would be the following:~~
~~their application is denied under 292.65(8)(d) if the drycleaner has not complied with s. 77.9961, 77.9962 or 77.9963 at the time that the release is discovered~~

Joe Phillips at WFI indicated his organization is in full support of these changes. Let me know if I can be of further assistance on these issues, and I will continue to alert you to other issues as they arise.

Robin Schmidt
Team Leader - Special Assignments
Bureau for Remediation and Redevelopment
(608) 267-7569



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRB-4638/1

RCT&JK:.....

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1999 BILL

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Insert A

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AN ACT . . . relating to: the dry cleaner environmental response program and

Analysis by the Legislative Reference Bureau

Insert B

Property tax exemption

Dry cleaner environmental response program

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program, which reimburses owners and operators of dry cleaning facilities and former dry cleaning facilities for a portion of the costs of ~~responding to and~~ cleaning up discharges of dry cleaning solvents. This bill makes several changes related to that program.

Currently, under the dry cleaner environmental response program, DNR must deny reimbursement for the costs of cleaning up a discharge if the discharge was caused by a person who provided services or products for the dry cleaning facility. This bill limits that provision so that reimbursement is denied only if the person who provided services or products caused the discharge after October 14, 1997.

The dry cleaner environmental response program is funded primarily with fees paid to the department of revenue. Current law requires DNR to deny reimbursement to an applicant if the applicant has not paid the required fees. Under this bill, DNR must deny reimbursement if the applicant had not paid the required fees at the time that the discharge was discovered or at the time of application.

Currently, the owner of a dry cleaning facility that is operating at the time of application to the dry cleaner environmental response program pays a lower deductible than the owner of a former dry cleaning facility. Under this bill, the owner of a former dry cleaning facility pays the lower deductible if the facility is operating as a store where the general public drops off clothing to be dry cleaned at another site.

BILL

Current law provides that operators of certain dry cleaning facilities are not eligible under the dry cleaner environmental response program unless any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system. This bill provides that the owner or operator of a dry cleaning facility that is operating at the time of application is not eligible for an award under the dry cleaner environmental response program unless the owner or operator certifies that any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system.

Under one part of the dry cleaner environmental response program, the owners of certain dry cleaning facilities are eligible for reimbursement for a portion of the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full site investigations and cleanup plans. This bill eliminates that part of the program.

Insert
C

clean-up

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.370 (2) (eq) of the statutes is amended to read:

2 20.370 (2) (eq) *Solid waste management -dry cleaner environmental response.*

3 From the dry cleaner environmental response fund, the amounts in the schedule for

4 review of remedial action under ~~ss. s. 292.65 and 292.66~~.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9.

5 SECTION 2. 20.370 (6) (eq) of the statutes, as affected by 1999 Wisconsin Act 9,

6 is amended to read:

7 20.370 (6) (eq) *Environmental aids - dry cleaner environmental response.*

8 Biennially, from the dry cleaner environmental response fund, the amounts in the

9 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make

10 transfers required under s. 292.65 (11).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9.

BILL



1 **SECTION 3.** 20.370 (9) (nq) of the statutes is amended to read:
 2 20.370 (9) (nq) *Aids administration - dry cleaner environmental response.*
 3 From the dry cleaner environmental response fund, the amounts in the schedule to
 4 administer ~~ss. s. 292.65 and 292.66.~~

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 C. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269.2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11.2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120.202, 296; 1987 a. 27, 98, 110.290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 433, 464; 1993 a. 490 ss. 18.271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9.

Insert 5
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5 **SECTION 4.** 292.65 (1) (intro.) of the statutes is amended to read:
 6 **292.65 (1) DEFINITIONS.** (in&o.) In this section and ~~e. 292.66:~~

History: 1997 n. 27; 1999 a. 9; s. 13.93 (1) (b).



7 **SECTION 5.** 292.65 (1) (c) of the statutes is created to read:
 8 292.65 (1) (c) "Drop-off store" means a facility to which the general public
 9 brings apparel or household fabrics that are taken to be dry cleaned at another
 10 facility if that other facility is not described in par. (d) ^{1.} to 9.

11 **SECTION 6.** 292.65 (4) (h) of the statutes is amended to read:
 12 292.65 (4) (h) *Interim remedial equipment.* An owner or operator may install
 13 interim remedial equipment ~~for which the owner or operator would be eligible for~~
 14 ~~reimbursement under e. 292.66~~ before completing a site investigation or remedial
 15 action plan.

History: 1997 a. 27; 1999 a. 9; s. 13.93 (1) (b).

16 **SECTION 7.** 292.65 (5) (c) of the statutes is created to read:
 17 292.65 (5) (c) The owner or operator of a dry cleaning facility that is operating
 18 at the time that the owner or operator applies for assistance under this section is not
 19 eligible for an award under this section unless the owner or operator certifies that
 20 any dry cleaning solvent delivered to the dry cleaning facility is delivered using a
 21 closed, direct-coupled delivery system.



22 **SECTION 8.** 292.65 (7) (a) 13. of the statutes is repealed.



BILL

1 **SECTION 9.** 292.65 (8) (d) 7. of the statutes is amended to read:

2 292.65 (8) (d) 7. The At the time that the applicant applies for assistance under
3 this section. the applicant has not paid all of the fees under ss. 77.9961, 77.9962 and
4 77.9963.

5 History: 1997 n. 27; 1999 a. 9; s. 13.93 (1)(b).

5 **SECTION 10.** 292.65 (8) (d) 7m. of the statutes is created to read:

6 292.65 (8) (d) 7m. At the time that the discharge was discovered the applicant
7 had not paid all of the fees under ss. 77.9961, 77.9962 and 77.9963.

8 **SECTION 11.** 292.65 (8) (d) 8. of the statutes, as affected by 1999 Wisconsin Act
9 9, is amended to read:

10 292.65 (8) (d) 8. The dry cleaning solvent discharge was caused, after October
11 14.1997. by a person who provided services or products to the owner or operator or
12 to a prior owner or operator of the dry cleaning facility, including a person who
13 provided perchloroethylene to the owner. or operator or prior owner or operator of a
14 dry cleaning facility using a system other than a closed, direct-coupled delivery
15 system.

16 History: 1997 o. 27; 1999 a. 9; s. 13.93 (1)(b).

16 **SECTION 12.** 292.65 (8) (e) 1. (intro.) of the statutes is amended to read:

17 292.65 (8) (e) 1. (intro.) The department may reimburse the owner or operator
18 of a dry cleaning facility that is operating at the time that the owner or operator
19 applies under par. (a) or the owner .or onerator of a dron-off store that formerly
20 operated as a dry cleaning facility only for eligible costs incurred at each dry cleaning
21 facility that exceed the following deductible:

22 History: 1997 a. 27; 1999 a. 9; s. 13.93 (1)(b).

22 **SECTION 13.** 292.65 (8) (e) 3. (intro.) of the statutes is amended to read:

23 292.65 (8) (e) 3. (intro.) The department may reimburse the an owner or
24 operator of a ~~dry cleaning facility that has ceased operation before the owner or~~

BILL

1 /to whom subd. 1. [✓]does not applp only for eligible costs
2 that exceed the sum of the following:

3 History: 1997 a 27; 1999 a 9; s. 13.93 (1) (b).

SECTION 14. 292.65 (13) of the statutes is amended to read:

4 292.65 (13) **COUNCIL.** The dry cleaner environmental response council shall
5 advise the department concerning the ~~programs~~ [✓]program under this section ~~and s.~~
6 ~~292.66.~~ The dry cleaner environmental response council shall evaluate the program
7 under this section at least every 5 years, using criteria developed by the council.

8 History: 1997 a 27; 1999 a. 9; s. 13.93 (1)(b). [✓]

SECTION 15. 292.66 of the statutes, as affected by 1999 Wisconsin Act 9, is

9 repealed.

10 (END)

INSERT
3-9
10
Insert
E

Inserts A-D

1999 BILL

dry cleaning facility as defined under s. 77.996(2), ← 77.996(2)

Insert C

1
2

A N ACT to create 70.11 (27m) of the statutes; relating to: exempting dry cleaning equipment and chemicals from the property tax.

Insert A

Insert B

Analysis by the Legislative Reference Bureau

This bill exempts ~~dry cleaning~~ equipment and chemicals from the property tax. This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill. For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3

SECTION 1. 70.11 (27m) of the statutes is created to read:

4

70.11 (27m) DRY CLEANING EQUIPMENT AND CHEMICALS. (a) Equipment used ~~at~~ at

5

a ~~retailer~~ ^{retailer} or the retailer's employees for ~~dry~~ ^{dry} cleaning fabric^s if the equipment is depreciable property, for tax purposes, and does not use any dry cleaning solvent that

6

is managed as a hazardous waste in compliance with ch. 291 and 42 USC 6901 to

7

6991i.

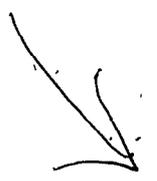
8

ES FACILITY

Insert D

stays

applies a household



household

*Insert
D, continued*

BILL

apparatus

at stays

- 1
- 2
- 3
- 4
- 5
- 6
- 7

(b) Chemicals or detergents used ~~by~~ *at* a retailer or the retailer's employees for ~~dry~~ cleaning fabric, if the chemicals or detergents are not managed as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

SECTION 2. Effective date.

(1) ~~DRY CLEANING EQUIPMENT~~ *AND CHEMICALS*. This act takes effect on the January 1 after publication.

(END)

FACILITY

*see insert
E on next page*

*dry cleaning facility,
as defined under s. 77.996(2),*

77.996(2)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4638/lins
RCT&JK:.....

INSERT s-9

SECTION 1. 292.99 (lm) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

292.99 **(1m)** Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit not less than \$10 nor more than \$10,000.

History: 1995 a. 227; 1999 a 9.

(end
of
insert)

1999

Insert E

Nonstat File Sequence: **FFF**

LRB _____ / _____

_____ : _____ : _____

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # _____ . Effective date.

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # *11* . Effective dates *10*

..... This act takes effect on the day after publication, except as follows:

(#1) () *Dry cleaning facility equipment and chemicals.* The treatment of section *20.11.(27m)* of the statutes takes effect on *the January 1 after publication.*

1. In the component bar: For the budget action phrase, **execute..create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the **9400** department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 . E f f e c t i v e d a t e s * ,

(#1) () The treatment of sections of the statutes takes effect on



-4638/1/1
RCHJK:
cmH

Note, p. 1

✓
(91) Please review the treatment of s. 292.65(4)(h) by
this draft and let me know if that provision should
be treated differently.

Ret

↓

DN, p. 2

(1) Please note that current law provides other incentives for a person to pay the dry cleaning fees under subchapter XII of chapter 77 of the statutes.

For example, a person who operates a dry cleaning facility and who does not pay the license fee under section 77.9961 of the statutes does not receive a license

to operate a dry cleaning facility. A person who operates a dry cleaning facility without a license

is subject to a penalty of \$5 for each day that the person operates without a license. In addition,

under section 77.9964(2) of the statutes, delinquent fees under subchapter XII of chapter 77 of the statutes are subject to interest at the rate of 1.5%

per month until paid, and any form that is required to accompany a fee

under subchapter XII of chapter 77 of the statutes that is not timely filed is subject to a penalty of 5% of the

DN, p.3

fee due for each month that passes from when
the form is due to when the form is filed.

JK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4638/1dn
RCT&JK:cmh:km

March 3, 2000

Please review the treatment of s. 292.65 (4) (h) by this draft and let me know if that provision should be treated differently.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

Please note that current law provides other incentives for a person to pay the dry cleaning fees under subchapter XII of chapter 77 of the statutes. For example, a person who operates a dry cleaning facility and who does not pay the license fee under section 77.9961 of the statutes does not receive a license to operate a dry cleaning facility. A person who operates a dry cleaning facility without a license is subject to a penalty of \$5 for each day that the person operates without a license. In addition, under section 77.9964 (2) of the statutes, delinquent fees under subchapter XII of chapter 77 of the statutes are subject to interest at the rate of 1.5% per month until paid, and any form that is required to accompany a fee under subchapter XII of chapter 77 of the statutes that is not timely filed is subject to a penalty of 5% of the fee due for each month that passes from when the form is due to when the form is filed.

Joseph T. Kreye
Legislative Attorney
Phone: (608) 266-2263
E-mail: Joseph.Kreye@legis.state.wi.us

Joe Phillips

4638/1 Kaufert's
Ed Eberle

p 3 line 12 delete after "purposi".

p 3 line 16 delete after "fabris"



1999 BILL

m 3-9-2000

500N
Regen

1 **AN ACT** to **repeal** 292.65 (7) (a) 13. and 292.66; **to amend** 20.370 (2) (eq), 20.370
2 (6) (eq), 20.370 (9) (nq), 292.65 (1) (intro.), 292.65 (4) (h), 292.65 (8) (d) 7., 292.65
3 (8) (d) 8., 292.65 (8) (e) 1. (intro.), 292.65 (8) (e) 3. (intro.), 292.65 (13) and 292.99
4 (lm); and **to create** 70.11 (27m), 292.65 (1) (c), 292.65 (5) (c) and 292.65 (8) (d)
5 7m. of the statutes; **relating to:** the dry cleaner environmental response
6 program and exempting dry cleaning equipment and chemicals from the
7 property tax.

Analysis by the Legislative Reference Bureau

Property tax exemption

This bill exempts equipment and chemicals used by a dry cleaning facility from the property tax.

Dry cleaner environmental response program

Under current law, the department of natural resources (DNR) administers the dry cleaner environmental response program which reimburses owners and operators of dry cleaning facilities and former dry cleaning facilities for a portion of the costs of cleaning up discharges of dry cleaning solvents. This bill makes several changes related to that program.

Currently, under the dry cleaner environmental response program, DNR must deny reimbursement for the costs of cleaning up a discharge if the discharge was

BILL

caused by a person who provided services or products for the dry cleaning facility. This bill limits that provision so that reimbursement is denied only if the person who provided services or products caused the discharge after October 14, 1997.

The dry cleaner environmental response program is funded primarily with fees paid to the department of revenue. Current law requires DNR to deny reimbursement to an applicant if the applicant has not paid the required fees. Under this bill, DNR must deny reimbursement if the applicant had not paid the required fees at the time that the discharge was discovered or at the time of application.

Currently, the owner of a dry cleaning facility that is operating at the time of application to the dry cleaner environmental response program pays a lower deductible than the owner of a former dry cleaning facility. Under this bill, the owner of a former dry cleaning facility pays the lower deductible if the facility is operating as a store where the general public drops off clothing to be dry cleaned at another site.

Current law provides that operators of certain dry cleaning facilities are not eligible under the dry cleaner environmental response program unless any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system. This bill provides that the owner or operator of a dry cleaning facility that is operating at the time of application is not eligible for an award under the dry cleaner environmental response program unless the owner or operator certifies that any dry cleaning solvent delivered to the dry cleaning facility is delivered using a closed, direct-coupled delivery system.

Under one part of the dry cleaner environmental response program, the owners of certain dry cleaning facilities are eligible for reimbursement for a portion of the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full site investigations and clean-up plans. This bill eliminates that part of the program.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (2) (eq) of the statutes is amended to read:

2 20.370 (2) (eq) *Solid waste management -dry cleaner environmental response.*

3 From the dry cleaner environmental response fund, the amounts in the schedule for
4 review of remedial action under ~~ss. s. 292.65 and 292.66.~~

5 **SECTION 2.** 20.370 (6) (eq) of the statutes, as affected by 1999 Wisconsin Act 9,
6 is amended to read:

BILL

1 20.370 (6) (eq) *Environmental aids - dry cleaner environmental response.*
2 Biennially, from the dry cleaner environmental response fund, the amounts in the
3 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make
4 transfers required under s. 292.65 (11).

5 **SECTION 3.** 20.370 (9) (nq) of the statutes is amended to read:

6 20.370 (9) (nq) *Aids administration - dry cleaner environmental response.*
7 From the dry cleaner environmental response fund, the amounts in the schedule to
8 administer ~~ss. s. 292.65 and 292.66~~.

9 **SECTION 4.** 70.11 (27m) of the statutes is created to read:

10 70.11 (27m) ~~DRYCLEANING FACILITY EQUIPMENT AND~~ **CHEMICALS.** (a) Equipment
11 used at a dry cleaning facility, as defined under s. 77.996 (2), for cleaning apparel or
12 household fabrics, if the equipment is depreciable property, [✓] for tax purposes
13 ~~does not use any dry cleaning solvent that is managed as a hazardous waste in~~
14 ~~compliance with ch. 291 and 42 USC 6901 to 6991.~~

15 (b) Chemicals or detergents used at a dry cleaning facility, as defined under s.
16 77.996 (2), for cleaning apparel or household fabrics, [✓] if the chemicals or detergents
17 ~~are not managed as hazardous wastes in compliance with ch. 291 and 42 USC 6901~~
18 ~~to 6991.~~

19 **SECTION 5.** 292.65 (1) (intro.) of the statutes is amended to read:

20 **292.65 (1) DEFINITIONS.** (intro.) In this section ~~and s. 292.66~~:

21 **SECTION 6.** 292.65 (1) (c) of the statutes is created to read:

22 292.65 (1) (c) "Drop-off store" means a facility to which the general public
23 brings apparel or household fabrics that are taken to be dry cleaned at another
24 **facility if that other facility is not described in par. (d) 1. to 9.**

25 **SECTION 7.** 292.65 (4) (h) of the statutes is amended to read:

BILL**SECTION 7**

1 **292.65 (4) (h) Interim remedial equipment.** An owner or operator may install
2 interim remedial equipment for which the ~~owner or operator would be eligible for~~
3 ~~reimbursement under s. 292.66~~ before completing a site investigation or remedial
4 action plan.

5 **SECTION 8.** 292.65 (5) (c) of the statutes is created to read:

6 292.65 (5) (c) The owner or operator of a dry cleaning facility that is operating
7 at the time that the owner or operator applies for assistance under this section is not
8 eligible for an award under this section unless the owner or operator certifies that
9 any dry cleaning solvent delivered to the dry cleaning facility is delivered using a
10 closed, direct-coupled delivery system.

11 **SECTION 9.** 292.65 (7) (a) 13. of the statutes is repealed.

12 **SECTION 10.** 292.65 (8) (d) 7. of the statutes is amended to read:

13 292.65 (8) (d) 7. ~~The~~ At the time that the applicant applies for assistance under
14 this section. the applicant has not paid all of the fees under ss. 77.9961, 77.9962 and
15 77.9963.

16 **SECTION 11.** 292.65 (8) (d) 7m. of the statutes is created to read:

17 292.65 (8) (d) 7m. At the time that the discharge was discovered, the applicant
18 had not paid all of the fees under ss. 77.9961, 77.9962 and 77.9963.

19 **SECTION 12.** 292.65 (8) (d) 8. of the statutes, as affected by 1999 Wisconsin Act
20 9, is amended to read:

21 292.65 (8) (d) 8. The dry cleaning solvent discharge was caused, after October
22 14.1997. by a person who provided services or products to the owner or operator or
23 to a prior owner or operator of the dry cleaning facility, including a person who
24 provided perchloroethylene to the owner or operator or prior owner or operator of a

BILL

1 dry cleaning facility using a system other than a closed, direct-coupled delivery
2 system.

3 **SECTION 13.** 292.65 (8) (e) 1. (intro.) of the statutes is amended to read:

4 292.65 (8) (e) 1. (intro.) The department may reimburse the owner or operator
5 of a dry cleaning facility that is operating at the time that the owner or operator
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12 ~~operator applies under par. (a) to whom subd. 1. does not apply~~ only for eligible costs
13 that exceed the sum of the following:

14 **SECTION 15.** 292.65 (13) of the statutes is amended to read:

15 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
16 advise the department concerning the ~~programs~~ program under this section ~~and s.~~
17 ~~292.66~~. The dry cleaner environmental response council shall evaluate the program
18 under this section at least every 5 years, using criteria developed by the council.

19 **SECTION 16.** 292.66 of the statutes, as affected by 1999 Wisconsin Act 9, is
20 repealed.

21 **SECTION 17.** 292.99 (1m) of the statutes, as created by 1999 Wisconsin Act 9,
22 is amended to read:

23 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
24 not less than \$10 nor more than \$10,000.

3/10 Per Ed- on p.5, line 1- after "that" add "was".

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4638/3
RCT&JK:cmh:km
L + jlg
rmy

Today

1999 BILL

see p. 5

Regen

1 **AN ACT** to **repeal** 292.65 (7) (a) 13. and 292.66; to **amend 20.370 (2)** (eq), 20.370
2 (6) (eq), 20.370 (9) (nq), 292.65 (1) (intro.), 292.65 (4) (h), 292.65 (8) (d) 7., 292.65
3 (8) (d) 8., 292.65 (8) (e) 1. (intro.), 292.65 (8) (e) 3. (intro.), 292.65 (13) and 292.99
4 (lm); and to **create** 70.11 (27m), 292.65 (1) (c), 292.65 (5) (c) and 292.65 (8) (d)
5 7m. of the statutes; **relating to:** the dry cleaner environmental response
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BILL

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For further information see the state **and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.370 (2) (eq) of the statutes is amended to read:

2 20.370 (2) (eq) *Solid waste management -dry cleaner environmental response.*

3 From the dry cleaner environmental response fund, the amounts in the schedule for
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5 SECTION 2. 20.370 (6) (eq) of the statutes, as affected by 1999 Wisconsin Act 9,
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BILL

1 **20.370 (6)** (eq) *Environmental aids - dry cleaner environmental response.*
2 Biennially, from the dry cleaner environmental response fund, the amounts in the
3 schedule for financial assistance under ~~ss. s. 292.65 and 292.66~~ and to make
4 transfers required under s. 292.65 **(11)**.

5 SECTION 3. 20.370 (9) (nq) of the statutes is amended to read:

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13 (b) Chemicals or detergents used at a dry cleaning facility, as defined under s.
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15 SECTION 5. 292.65 (1) (intro.) of the statutes is amended to read:

16 **292.65 (1) DEFINITIONS.** (intro.) In this section and ~~s. 292.66~~:

17 SECTION 6. 292.65 (1) (c) of the statutes is created to read:

18 **292.65 (1) (c)** "Drop-off store" means a facility to which the general public
19 brings apparel or household fabrics that are taken to be dry cleaned at another
20 facility if that other facility is not described in par. (d) 1. to 9.

21 SECTION 7. 292.65 (4) (h) of the statutes is amended to read:

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25 action plan.

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1 **SECTION 8.** 292.65 (5) (c) of the statutes is created to read:

2 292.65 (5) (c) The owner or operator of a dry cleaning facility that is operating
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4 eligible for an award under this section unless the owner or operator certifies that
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6 closed, direct-coupled delivery system.

7 **SECTION 9.** 292.65 (7) (a) 13. of the statutes is repealed.

8 **SECTION 10.** 292.65 (8) (d) 7. of the statutes is amended to read:

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19 to a prior owner or operator of the dry cleaning facility, including a person who
20 provided perchloroethylene to the owner or operator or prior owner or operator of a
21 dry cleaning facility using a system other than a closed, direct-coupled delivery
22 system.

23 **SECTION 13.** 292.65 (8) (e) 1. (intro.) of the statutes is amended to read:

24 292.65 (8) (e) 1. (intro.) The department may reimburse the owner or operator
25 of a dry cleaning facility that is operating at the time that the owner or operator

BILLwas

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3 facility that exceed the following deductible:

4 SECTION 14. 292.65 (8) (e) 3. (intro.) of the statutes is amended to read:

5 292.65 (8) (e) 3. (intro.) The department may reimburse ~~the~~ an owner or
6 operator ~~of a dry cleaning facility that has ceased operation before the owner or~~
7 ~~operator applies under par. (a) to whom subd. 1. does not apply~~ only for eligible costs
8 that exceed the sum of the following:

9 SECTION 15. 292.65 (13) of the statutes is amended to read:

10 292.65 (13) COUNCIL. The dry cleaner environmental response council shall
11 advise the department concerning the ~~programs~~ program under this section ~~and s.~~
12 ~~292.66~~. The dry cleaner environmental response council shall evaluate the program
13 under this section at least every 5 years, using criteria developed by the council.

14 SECTION 16. 292.66 of the statutes, as affected by 1999 Wisconsin Act 9, is
15 repealed.

16 SECTION 17. 292.99 (1m) of the statutes, as created by 1999 Wisconsin Act 9,
17 is amended to read:

18 292.99 (1m) Any person who violates s. 292.65 (12m) ~~or 292.66 (5)~~ shall forfeit
19 not less than \$10 nor more than \$10,000.

20 SECTION 18. **Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) **DRY CLEANING FACILITY EQUIPMENT AND CHEMICALS.** The treatment of section
23 70.11 (27m) of the statutes takes effect on the January 1 after publication.

24

(END)

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/10/2000

To: Representative Kaufert

Relating to LRB drafting number: LIB-4638

Topic

Dry cleaner environmental provisions

Subject(s)

Environment - env. cleanup, Tax - property

1. **JACKET** the draft for introduction Rep Kaufert
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes _____.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Yes -16.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290